



APPENDIXES



APPENDIX A

Before the
Federal Communications Commission
Washington, D.C. 20554

FCC 97-51

In the Matter of
The Use of N11 Codes and Other
Abbreviated Dialing Arrangements

CC Docket No. 92-105

FIRST REPORT AND ORDER
AND FURTHER NOTICE OF PROPOSED RULEMAKING

Adopted: February 18, 1997

Released: February 19, 1997

By the Commission:

Comment Date: March 31, 1997
Reply Comment Date: April 30, 1997

TABLE OF CONTENTS

Paragraph No.

I.	Introduction	1
II.	Background	4
III.	First Report and Order	13
A.	Analysis	13
1.	Jurisdiction/Numbering Authority	13
2.	Mandatory Assignment of N11 Codes	14
3.	National Assignment of Specific N11 Codes	for Provision of Information Services

311 on a nationwide basis for this purpose.⁷ Wherever 311 is currently in use for other purposes, however, we would allow that use to continue until the local government in that area was prepared to activate a non-emergency 311 service. In this First Report and Order we also conclude that, as the incumbent LECs can do currently, all providers of telephone exchange service must be able to have their customers call 611 and 811 to reach their repair and business service offices. We also conclude that a LEC may not itself offer enhanced services⁸ using a 411 code, or any other N11 code, unless that LEC offers access to the code on a reasonable, nondiscriminatory basis to competing enhanced service providers in the local service area for which it is using the code to facilitate distribution of their enhanced services. Finally we respond to a request for an N11 code that could be used throughout the nation to reach telecommunications relay services (TRS) by directing Bellcore to assign 711 on a nationwide basis for this use. We decline, however, to: (1) mandate that N11 numbers be made available for access to information services; (2) mandate that an N11 code be designated for access to government agencies; or (3) disturb the current allocation of various N11 codes for access to emergency services,⁹ directory assistance, and LEC repair and business offices.

3. In the Further Notice of Proposed Rulemaking (FNPRM) we ask for comment on the technical feasibility of implementing 711 for TRS access. We also ask parties: (1) if it would be possible to develop within a reasonable time an N11 "gateway" offering access to multiple TRS providers; (2) whether, with such gateway access, TRS calls would still be answered within our mandatory minimum standards for TRS answer times; (3) whether such a gateway would be consistent with Section 255 of the Act; and (4) whether any other important disability services could be accessed through the same gateway. Regarding TRS, the FNPRM also requests comment from interested parties, particularly TRS providers, about the possibility of providing both voice and text TRS services through the same abbreviated N11 code. Finally, we ask for comment on the proprietary nature of N11 codes and on our proposal to transfer the administration of N11 codes at the local level from the incumbent LECs to the NANP administrator.

⁷ Assignment means that a numbering plan administrator announces to the industry that a particular number will be used for certain, defined services. This warns current users of that number that they will need to relinquish their use of the number when the new assignment is implemented. Implementation involves, among other things: relinquishing current local uses for the number; preparing switches for the new, assigned use; modifying switches to route calls; and installing additional switching or other equipment required to provide the services contemplated.

⁸ The term "enhanced services" refers to services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information. See Section 64.702 (a) of the Commission's Rules, 47 C.F.R. §64.702(a). For purposes of this proceeding, information and enhanced services are used interchangeably.

⁹ As discussed within, 911 has been designated as a national code for emergency services.

6. The Commission, in the NANP Order,¹⁵ adopted a new model for administration of the NANP by announcing its intent to establish the North American Numbering Council (NANC) under the Federal Advisory Committee Act.¹⁶ (The NANC held its first meeting on October 1, 1996). The NANP Order did not specifically consider the issue of service code allocation. In addition to holding that the NANP administrator's existing functions will be transferred to an entity to be recommended by the NANC, the Commission in the NANP Order also held that central office (CO) code administration functions will be transferred from the LECs to the new NANP administrator to be recommended by the NANC within 18 months after completion of the transfer of the existing NANP administrative functions from the current NANP administrator.¹⁷ The NANC will advise the Commission on numbering issues and also is charged with recommending and guiding a neutral NANP administrator. Within the United States, prior to enactment of the 1996 Act amendments to the 1934 Act, twelve regional CO code administrators handled CO code assignments.¹⁸ Many LECs serving as CO code administrators administered N11 codes for local use.¹⁹

7. On March 6, 1992, BellSouth petitioned the Commission to declare that mandatory assignment of N11 codes for access to information services would be consistent with the Communications Act and Commission policies.²⁰ The petition was prompted by a request from Cox Enterprises, Inc. (Cox), which had asked BellSouth to assign it an N11 code in Atlanta for the purpose of offering information services. On May 4, 1992, the Commission informed BellSouth that "there appears to be no regulatory or legal impediment prohibiting BellSouth from currently assigning N11 codes in a reasonable, non-discriminatory manner," which may include, for example, assigning N11 codes on a first-come, first-service basis.²¹

8. On the same day that the Commission issued its letter to BellSouth, the Commission adopted the N11 NPRM tentatively concluding that: (1) service codes 211, 311,

¹⁵ Administration of the North American Numbering Plan, CC Docket No. 92-237, Report and Order, 11 FCC Rcd 2588 (1995).

¹⁶ 5 U.S.C., App. 2 (1988).

¹⁷ NANP Order at para. 115.

¹⁸ The current telephone number format within the NANP is given by: NXX-NXX-XXXX, with the second three digits representing CO code. The CO code administrators within the United States were: Alascom; Ameritech; Bell Atlantic; BellSouth Corporation (BellSouth); Cincinnati Bell; GTE (for 813 area code); GTE (for 808 area code); NYNEX; Pacific Bell; Southern New England Telephone; SBC; and U S WEST.

¹⁹ See paras. 72-75, *infra*, for further discussion of administration of N11 codes.

²⁰ BellSouth, Petition for Declaratory Ruling (BellSouth Petition), March 6, 1992.

²¹ Letter from Robert L. Pettit, FCC General Counsel, to David J. Markey, Vice President, BellSouth, dated May 4, 1992 (May 4 1992 FCC General Counsel Letter to BellSouth).

requesting that an N11 code be reserved to facilitate nationwide public telephone access to federal executive agencies.²⁹ In a similar request, the National Association of State Telecommunications Directors (NASTD), in an ex parte letter filed in this docket, requested that a single N11 code be reserved to facilitate public access to state agencies.³⁰

12. In a letter dated August 26, 1996, the United States Department of Justice's Office of Community Oriented Policing Services (Department of Justice) asked that an N11 code, specifically 311, be reserved on a national basis for use by communities for non-emergency police telephone calls. The Department of Justice also suggested that the N11 code could be used to give access to other government services, at the discretion of each jurisdiction. In a Public Notice dated September 10, 1996, the Commission sought comment on the Department of Justice's request.

III. FIRST REPORT AND ORDER³¹

A. Analysis

1. Jurisdiction/Numbering Authority

13. The Act states that, "[t]he Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States."³² Although the Act gives the Commission exclusive jurisdiction over those portions of the NANP that pertain to the United States, the Act also allows the Commission to delegate "to State commissions or other entities all or any portion of such jurisdiction."³³ As stated above, prior to enactment of the 1996 Act amendments to the 1934 Act, Bellcore, the states, and the incumbent LECs each performed functions relating to the administration of N11 codes. In Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, FCC 96-333 (rel. Aug 8, 1996). (Local Competition Second Report and Order), the Commission stated:

²⁹ GSA Petition at 3.

³⁰ National Association of State Telecommunications Directors (NASTD), Ex Parte Presentation in CC Docket No. 92-105, September 22, 1993.

³¹ Although this First Report and Order adopts several measures regarding abbreviated dialing arrangements, it does not specifically adopt the rules proposed in the N11 NPRM. See N11 NPRM at Appendix A.

³² See 47 U.S.C. § 251(e)(1). For this reason, the discussion of jurisdiction appearing in the N11 NPRM and comments filed in response to that discussion are moot. The Act states that, "the term 'United States' means the several states and Territories, the District of Columbia, and the possessions of the United States, but does not include the Canal Zone." 47 U.S.C. § 153(50).

³³ See id.

information of significant local interest quickly and conveniently.³⁹ Such ease of access for consumers, they say, would, in turn, enhance the viability of independent information service providers, putting them closer to an equal footing with LECs and spurring competition. Cox asserts that enhancing competition in information services markets is a long-standing Commission goal.⁴⁰ In an *ex parte* presentation, Cox emphasized that commercial uses of N11, such as information services, which have received wide consumer acceptance, serve the public interest and therefore necessitate the assignment of an N11 number.⁴¹ The Alternative Newspapers contend that N11 codes serve their needs far better than alternate dialing arrangements, claiming that: (1) N11 provides customers an option that is "easier to remember, easier to dial, and faster and quicker than seven or ten-digit alternatives;" (2) 900 services are too expensive for the local information services offered by the alternative newspapers; and (3) the pricing and terms and conditions of the new 960 service are not known to the alternative newspapers.⁴² Local government agencies involved in the provision of 911 emergency service contend that N11 codes should not be available for assignment for commercial purposes, arguing that such use would cause confusion regarding the use of 911 for emergency service⁴³ by increasing the misdials to 911 in nonemergency situations⁴⁴ and misdials to other N11 codes in emergency situations.⁴⁵

16. Among LECs filing comments, only BellSouth supports assignment of N11 codes for information services.⁴⁶ BellSouth argues that there is a need for abbreviated dialing for information services that is not being met under the current NANP. BellSouth suggests, however, that permissive allocation of N11 codes would be preferable to mandatory allocation.⁴⁷

³⁹ See, e.g., NAA Comments at 2-3; Alternative Newspapers Comments at 2-3.

⁴⁰ See Cox Reply Comments at 5 (citing *Computer III* Proceedings).

⁴¹ Cox December 12, 1995 *ex parte* presentation.

⁴² See Alternative Newspaper Comments at 3-5.

⁴³ See, e.g., Shelby County, Tennessee Emergency Communications District (Shelby County) Comments at 1-2; St. Charles Parish Communications District Comments at 1; St. Landry Parish Communications District Comments at 1; Texas Advisory Commission on State Emergency Communications (Texas Advisory Commission) Comments at 3-4.

⁴⁴ See, e.g., Shelby County, Tennessee Emergency Communications District (Shelby County) Comments at 1-2; St. Charles Parish Communications District Comments at 1; Claiborne Parish Communications District Comments at 2.

⁴⁵ See, e.g., Shelby County, Tennessee Emergency Communications District (Shelby County) Comments at 2; West Carroll Parish Communications District Comments at 1.

⁴⁶ See BellSouth Comments at i.

⁴⁷ See Reply of BellSouth at 5. *Accord* Florida PSC Reply at 2.

(such as an N11 code) is merely a convenience, and is not essential to making information services available to consumers.⁶¹

18. Many commenters claim that the scarcity of such codes and the many competing uses for them require that all the remaining N11 codes be devoted to public service uses.⁶² Possible public service uses include multiple codes for emergency services,⁶³ special number services for persons with physical disabilities,⁶⁴ and telephone access to federal and state agencies.⁶⁵ Information service providers urge the Commission not to narrowly define public use as encompassing only nonprofit entities. They assert that commercial uses of N11 codes serve the public interest by providing the public access to information which is difficult for the general public to obtain.⁶⁶

19. Discussion. We decline to require LECs to make N11 codes available for information services at this time. We anticipate that because only three to five N11 codes will be available in any given geographic area, demand for each N11 code is likely to exceed supply.⁶⁷

⁶¹ See, e.g., USTA Comments at 12; Sprint Reply Comments at 5.

⁶² See, e.g., Ameritech Comments at 5; CSCN Comments at 4; NCLD Reply Comments at 4; NYNEX Reply Comments at 2; SWBT Reply Comments at 5.

⁶³ See, e.g., Ameritech Comments at 6; NYNEX Comments at 4; Pacific Comments at 3.

⁶⁴ See, e.g., BellSouth Reply Comments at 10, NYNEX Reply Comments at 2.

⁶⁵ See GSA Petition.

⁶⁶ See Media Parties (collectively, Cox Enterprises, Inc., Advance Publications, Inc., Gannett Co., Inc., The Hearst Corporation, The Washington Post Company) Reply Comments at 3-6.

⁶⁷ Generally for most of the 50 states, 911, 411, and 611 are deemed to be "special services," and are defined as services for which the caller either pays no charge or the charge is tariffed. This category also includes services that require presubscription and provide access to customer services provided by the LEC, including access to LEC repair services. See generally, "Central Office Code Usage Report", Industrial Analysis Division, Common Carrier Bureau, Federal Communications Commission, July, 1993 (FCC Report); "The Use of N11 Codes and Other Abbreviated Dialing Arrangements- State Survey", Sandy Ibaugh, Indiana Utility Regulatory Commission, November, 1993 (NARUC Report). For a vast majority of the states, the codes 211, 311, 511, and 711 are reserved for various purposes but are not currently in use. See FCC Report at 3.

Some state regulatory commissions have granted assignments of N11 codes for commercial uses. By the terms of the Commission's Local Competition Second Report and Order and this First Report and Order, these grants, some of which are described below, are left in place. The Florida Public Service Commission, for example, approved "511" for an information service run by Cox Communications' Palm Beach Post as a two year experiment in 1993. State Telephone Regulation Report, Vol. 11, No. 16 (August 12, 1993). The State of Georgia has approved the use of "211" code for Cox Communications' information service in Atlanta. NARUC Report at 9. The State of Hawaii has reserved 711 for TRS access use. Some sections of Maryland use 711 for internal LEC use by telephone company employees. See FCC Report at 25 and 49. According to a staff member of the New York State Department of Public Services,

service providers should be mitigated. We also note that when a LEC assigns N11 codes, it must do so in a reasonable, non-discriminatory manner, such as on a first-come, first-served basis.⁷³ Should, however, there be particular problems related to the availability of one or more N11 codes from a particular LEC serving as the administrator prior to the transfer of functions to a new NANP administrator, parties can bring these unresolved disputes to our attention by filing a complaint pursuant to Section 208. We also are prepared to address specific problems even after a transfer of N11 code administration to a new entity.

3. National Assignment of Specific N11 Codes

a. Background

22. The N11 NPRM did not propose to disturb 911's existing designation as a national code for emergency services⁷⁴ nor did it propose to disturb the use of 411 for local directory assistance. Currently, 411 directory assistance services are classified as basic or adjunct to basic services for purposes of the Commission's rules even if those numbers are not presently used in some geographic areas for those purposes.⁷⁵ In addition, the Commission tentatively concluded: (1) that 211, 311, 511, and 711, which, at the time of the N11 NPRM were "apparently not used at all,"⁷⁶ should be available for abbreviated dialing; and (2) that the 611 code now used by some LECs for repair services and the 811 code now used for quick connection to LEC business offices should also be available for abbreviated dialing.⁷⁷

b. Emergency Services (911)

23. As stated above, AT&T designated 911 as a national code for reaching emergency services. Commenters generally agree that the current use of 911 for emergency services should remain unchanged.⁷⁸ We find that use of a national uniform N11 code for this purpose clearly serves the public interest because end users know that they can dial this code from virtually any

⁷³ See May 4 1992 FCC General Counsel Letter to BellSouth.

⁷⁴ See footnote 12, supra, regarding AT&T's designation of 911 as a national code.

⁷⁵ N11 NPRM at para. 11. A basic service is an offering of transmission capacity between two or more points suitable for a user's transmission needs, and subject only to the technical parameters of fidelity and distortion. See North American Telecommunications Association, Petition for Declaratory Ruling Under Section 64.702 of the Commission's Rules Regarding the Integration of Centrex, Enhanced Services, and Customer Premises Equipment, 101 FCC 2d 349, 358 at para. 23 (1985) NATA Centrex Order, recon., 3 FCC Rcd 4385 (1988). An adjunct to basic service is a service that might fall within a literal reading of our definition of enhanced service (see footnote 8, supra) but which is clearly basic in purpose and use and which brings maximum benefits to the public through its provision in the network.

⁷⁶ N11 NPRM at para. 8.

⁷⁷ Id. at para. 12.

⁷⁸ See, e.g., Ameritech Comments at 7; Sprint Reply Comments at 4.

jurisdiction.

25. Comments. While many commenters agree that N11 codes should be assigned for national public use, and acknowledge the benefit of quick and convenient public access to government services, commenters are divided on the issue of whether these services warrant a national N11 assignment. Several commenters support assignment of a national N11 code for access to government services.⁸⁴ For example, the City of Dallas (Dallas) "urge[s] the Commission not only to assign a 3 digit number for national usage of Federal Government offices, but also one for local government and one for state government use."⁸⁵ In noting that it is seeking use of an N11 code (preferably 511) for access to its city's services, Dallas asserts that "use of a simple to dial, easy to remember number will aid in our desire to be more responsive and accountable to our citizens."⁸⁶ Dallas notes the N11 usage it seeks is similar to that proposed by GSA. The Tennessee Valley Authority (TVA) supports the Commission's proposal to establish a national N11 code, arguing that such a code would provide greater awareness and access to its services.⁸⁷ The United States Department of Agriculture (USDA) claims that use of a national N11 code will enable it to more effectively control their emergency preparedness programs in times of natural disaster.⁸⁸ Further, USDA suggests that the use of an N11 code will encourage public calls on a more timely basis, thereby increasing efficiency and its ability to serve the public.⁸⁹

26. Nevertheless, many argue that it would be premature to grant GSA's or NASTD's request at this time. MCI and Sprint, for example, argue that the Commission should first establish a comprehensive policy governing assignment of available N11 codes, including codes assigned to the government.⁹⁰ NENA expresses concerns about possible public confusion

⁸⁴ See, e.g., Overseas Private Investment Corporation Government Comments at 2; City of Dallas Government Comments at 2; Tennessee Valley Authority Government Comments at 2.

⁸⁵ Dallas Government Comments at 2.

⁸⁶ *Id.* at 1.

⁸⁷ TVA Government Comments at 2.

⁸⁸ USDA Government Comments at 1.

⁸⁹ Several federal executive agencies take the same position with respect to increased efficiency and public responsiveness. See, e.g., Department of Health and Human Services (DHHS) Government Comments at 2; The Department of Justice Government Comments at 2; U.S. Department of Transportation (DOT) Government Comments at 2; Department of Veteran Affairs (VA) Government Comments at 3; Environmental Protection Agency (EPA) Government Comments at 2; Overseas Private Investment Corporation (OPIC) Government Comments at 2; Consumer Products Safety Commission (CPSC) Government Comments at 1; National Aeronautics and Space Administration (NASA) Government Comments at 1.

⁹⁰ See MCI Government Comments at 3-4; Sprint Government Comments at 3.

requests that the Commission provide grandfathering preferences for medical communications systems "that are already saving lives on existing N11 service code authorizations."¹⁰¹ Acadian requests that the grandfathering include retaining existing medical and emergency services' use of N11 codes as authorized by other governmental bodies, such as state public service commissions, and requiring recall of N11 codes used for emergency services (after a minimum one-year notice period) only after the recall of those used for other services.¹⁰² According to Acadian, these grandfathering preferences are warranted because of the life-saving services provided by emergency communications systems such as Acadian's.¹⁰³ Several local government agencies involved in the provision of 911 emergency service, while requesting that the Commission not allow any new N11 code assignments, assert that if the Commission decides to allow new assignments, the new assignments should be limited to access to public service and governmental entities.¹⁰⁴

28. Many parties filing comments¹⁰⁵ in response to the Department of Justice's request for assignment of 311 for non-emergency police calls support that request.¹⁰⁶ For example, asserting that their 911 systems have been overloaded by calls that may not be of an emergency nature, various fire departments across the country filed comments supporting national assignment of 311 as beneficial to their ability to deliver emergency services.¹⁰⁷ Asserting the need to reduce the number of calls placed to 911, various police departments¹⁰⁸ and

¹⁰¹ Id.

¹⁰² Id. at 4-5.

¹⁰³ Id. at 5.

¹⁰⁴ See, e.g., Texas Advisory Commission Government Comments at 4-5; Jackson Parish 9-1-1 Communication District Government Comments at 1.

¹⁰⁵ The comments filed in response to the Department of Justice request are referred to as "311 Comments."

¹⁰⁶ See, e.g., Ameritech 311 Comments at 2-3; AT&T 311 Comments at 2-3; National Association of Police Organizations, Inc. (ANPO) 311 Comments; City of Austin Comments; Fire Commissioner/Chief of the Boston Fire Department 311 Comments.

¹⁰⁷ See, e.g., Dallas Fire Chief 311 Comments; Fort Worth Fire Chief 311 Comments; Fire Chief of the City of Pittsburgh, Department of Public Safety 311 Comments; Fire Chief of the Seattle Fire Department 311 Comments; Commissioner of the Philadelphia Fire Department 311 Comments; Fire Commissioner/Chief of the Boston Fire Department 311 Comments. Cf. International Association of Fire Chiefs, Inc., and International Municipal Signal Association (collectively, International Fire Chiefs/Municipal Signal); Fairfax County Fire and Rescue Department 311 Comments.

¹⁰⁸ See, e.g., The Dallas Police Department 311 Comments; the San Jose, California 311 Comments; the San Bernadino, California Police Department 311 Comments; the Los Angeles Police Department 311 Comments; City and County of Denver Department of Safety, Chief of Police 311 Comments.

Automatic Location Identification (ALI) and Automatic Number Identification (ANI).¹¹⁷ The Los Angeles Police Department contends, for example, that: a national non-emergency N11 number should be supported by the same network selective routing system as E911/911 to ensure appropriate routing of non-emergency and emergency calls; the non-emergency calls should be supported with full ANI and ALI, provided through the same database platform; and in the future network, as with 911 calls, 311 calls should be routed using signalling system 7 over the public switched telephone network instead of on dedicated trunking.¹¹⁸ The Texas DIR supports the request, with the stipulation that a local jurisdiction could provide access to other government information and services,¹¹⁹ but asserts that the FCC must first consider such things as the possibility of adverse impacts to 911 and that access to government information should include all levels of government and both voice and data information.¹²⁰ The Texas DIR expresses concern that the Justice Department proposal does not address funding, noting that for the Baltimore 311 project, the Justice Department has provided \$350,000 dollars to the City of Baltimore for the two-year project and that AT&T has donated phone lines and invested over \$1 million in the program.¹²¹

31. Parties also raise concerns about the ability to analyze the results of the Baltimore 311 Trial prior to the Commission's making a determination in this proceeding.¹²² Several other parties suggest that it is premature to make a determination that 311 should be assigned for non-emergency police calls,¹²³ claiming, for example, that the issue should be referred to industry fora,¹²⁴ that the Commission should subject the issue to further scrutiny in the context of a broader review of abbreviated dialing arrangements,¹²⁵ and that alternative dialing arrangements

¹¹⁷ See County of Los Angeles 311 Comments at 2. Other commenters raise the issue of the use of ALI for 311 non-emergency services. See, e.g., Cellular Telecommunications Industry Association (CTIA) 311 Comments (expressing concern about whether ALI would be required for 311); City of Houston 311 Comments (asserting that the 311 code will not require a dedicated telephone network because, unlike 911 ALI will not be needed).

¹¹⁸ See Los Angeles Police Department 311 Comments at 2.

¹¹⁹ See Texas DIR 311 Comments at 2.

¹²⁰ See *Id.* at 2-3.

¹²¹ *Id.* at 2.

¹²² See, e.g., California Highway Patrol 311 Comments; Cox 311 Comments at 1-2.

¹²³ See, e.g., GTE 311 Comments at 2-4; BellSouth 311 Comments at 3; The Office of Information Resources of the Budget and Control Board of the State of South Carolina (South Carolina OIR) 311 Comments.

¹²⁴ See, e.g., GTE 311 Comments at 2-4; BellSouth 311 Comments at 4-5.

¹²⁵ See South Carolina OIR 311 Comments.

choice and also contend that the Commission must consider that there are other pending requests for N11 numbers.¹³⁴ The State of New York Department of Public Service (NYSDPS), while supporting the concept of a national non-emergency police N11 number, opposes the use of 311 for this purpose because this code is used in New York state by individuals with hearing or speech disabilities to access New York State Police emergency services.¹³⁵ NYNEX also opposes the particular use of 311 for the same reason, but, unlike NYSDPS, opposes the use of an N11 code for this purpose generally, on the grounds that it may be too easily confused with 911.¹³⁶ NYNEX suggests, as an alternative, an interchangeable numbering plan area (INPA) three digit code such as 222, 333, 444, 777 or 933, and any conflicts between the INPA and an NXX could be resolved through "interdigital dialing" by having switches programmed to determine whether an NXX is dialed after the INPA.¹³⁷ Other opponents, like NYNEX, cite possible confusion with 911 as a reason not to choose 311 as a non-emergency police number.¹³⁸ The City of Fresno, California Chief of Police (Fresno Police Chief), while not objecting to a national three digit number for non-emergency police calls, contends that the national number should not have any of the numbers contained in 911, and suggests, for example, a number such as 333. The Fresno Police Chief also suggests that the national number should not be mandatory and that if it is, "legislation be passed to fund the cost of establishing and maintain[ing] the non-emergency telephone system."¹³⁹ Costs of upgrading the network and funding issues are raised not only by opponents of the Department of Justice's request¹⁴⁰ but also by its supporters who express concern about implementation of 311.¹⁴¹

34. Several other parties note current uses of 311. Acadian Ambulance and AIR

¹³⁴ Id. at 8.

¹³⁵ NYSDPS 311 Comments at 1.

¹³⁶ See NYNEX 311 Comments at 2.

¹³⁷ See id. at 3. See also Florence Cainoce, Staff Manager for NYNEX Consumer Affairs 311 Comments at 2, stating that she is a member of the Deaf community and she hopes 311 will continue to be used in New York for its current purpose until the year 2000.

¹³⁸ See, e.g. National 911 Commenters 311 Comments at 8; Cox 311 Comments at 5-6; International Fire Chiefs/Municipal Signal 311 Comments at 6.

¹³⁹ Fresno Police Chief 311 Comments.

¹⁴⁰ See, e.g., City of Mesa 311 Comments at 2; Arizona APCO 311 Comments at 2; National 911 Commenters 311 Comments at 6-7; International Fire Chiefs/Municipal Signal 311 Comments at 8.

¹⁴¹ See, e.g., AT&T 311 Comments at 3; Los Angeles Police Department 311 Comments at 2;

could gain access quickly to non-emergency police and other government services¹⁵⁰ to be in the public interest. After reviewing the record, we conclude that this number should be an N11 code, specifically 311. We direct Bellcore, as of the effective date of this First Report and Order, in its capacity as NANP administrator, to assign 311 for this purpose. When a provider of telecommunications services receives a request from an entity (for example a local police chief or local fire chief) to use 311 for access to non-emergency police and other government services in a particular jurisdiction, it must ensure that, within six months of the request: (1) entities that were assigned 311 at the local level prior to the effective date of this First Report and Order relinquish non-compliant uses; and (2) it takes any steps necessary (for example reprogramming switch software) to complete 311 calls from its subscribers to a requesting 311 entity in its service area.

36. We find that use of an N11 code for access to non-emergency police services could alleviate congestion on 911 circuits, which could permit more effective operation of 911 emergency services. By promoting the safety of life and property, ensuring the public prompt access to emergency services is consistent with the purpose stated in Section 1 of the Act.¹⁵¹ In determining not to alter 911's designation as a national code for emergency services, we have already noted that the use of 911 for this purpose "clearly serves the public interest because end users know that they can dial this code from virtually any exchange in the country in order to obtain emergency assistance."¹⁵² Therefore, ensuring that 911 circuits are not overburdened with non-emergency calls is also of utmost importance. Eventually, the use of a single N11 code nationwide for non-emergency calls will let callers know that they can dial this code from any exchange (to obtain necessary governmental services) without hampering others' access to 911 for emergencies. We also are confident that local education programs will help ensure that members of communities become aware of: (1) the new non-emergency number and its primary purpose; (2) the importance of continuing to dial 911 in real emergencies; and (3) any secondary uses for the new code in the particular jurisdiction.

37. We also leave with local jurisdictions in the first instance the discretion to determine whether 311 should be used locally to reach other government services, as the Department of Justice has suggested.¹⁵³ Local jurisdictions can better determine whether this code could or should be used for access to services in addition to non-emergency police services. We find that state public utilities commissions, in conjunction with state and local governments, can address any conflicting requests for use of 311 (for example situations in which city and county law enforcement agencies both request 311 implementation in the same geographic area)

¹⁵⁰ See discussion at para. 37, infra.

¹⁵¹ See 47 U.S.C. § 151.

¹⁵² See para. 23, supra.

¹⁵³ See Department of Justice August 26, 1996 Letter.

40. Some of the concerns that lead certain parties to suggest alternatives to a national N11 number for non-emergency calls, such as a three digit number without "11" as the last two digits (such as 222), an 800 number, or a seven-digit number,¹⁵⁸ are the same reasons that have led us to find an N11 number superior to those alternatives: namely, the similarity to 911. While it may be technically possible to implement the alternatives above, the similarity between an N11 number and 911 will make the non-emergency number both easy to remember and easy to use, thus resulting in greater reduction of non-emergency calls on 911 emergency circuits. We are confident that, to lessen the possibility of confusion between 311 and 911, local education programs in jurisdictions requesting 311 service, will focus on the importance of continuing to dial 911 in real emergencies. If a local government concludes that an alternative number is working well for non-emergency calling, it may decide not to request 311 implementation. Our assignment leaves the choice to local governments.

41. We deny requests that current non-compliant uses of 311 at the local level be grandfathered. Grandfathering existing uses would make it impossible for a local government, in a jurisdiction that may need to relieve overburdened 911 circuits and in which 311 is already assigned for non-compliant uses to choose to use 311 to obtain that relief. We note, however, that uses of 311 for other purposes prior to the effective date of this First Report and Order may continue until the local government in that area is prepared to activate a non-emergency 311 service. Our actions here are consistent with existing Bellcore guidelines permitting local use of N11 codes provided that such assignments and use can be discontinued on short notice.¹⁵⁹ The need to provide relief, in a timely fashion, when 911 circuits become congested with non-emergency calls makes it unreasonable for us to defer implementation issues to industry fora.

42. States and local governments may deploy 311 through their 911 centers or devise alternative procedures for routing and answering 311 calls. We acknowledge that a provider of telecommunications services may incur certain costs (for example, in reprogramming switch software) to enable implementation of 311. Since 311 calls, like 911 calls, are typically intrastate, states would regulate cost recovery in most instances.¹⁶⁰ Funding of 311 service also is

¹⁵⁸ We note that parties have expressed interest in other abbreviated dialing arrangements generally as alternatives to N11 codes. We discuss these alternatives at para. 59-62, infra. We find that, on the record before us, we are unable to find that the public interest supports national reservation at this time of any alternative dialing arrangements for any particular purpose. See para. 61, infra.

¹⁵⁹ See Network Notes, "Numbering Plan and Dialing Procedures" at 3.4.1.

¹⁶⁰ Cf. 47 U.S.C. § 332(c)(3) (preempting state regulation of rates and entry for CMRS, but allowing the states to petition the Commission for authority to regulate rates in limited circumstances). Section 332 provides that CMRS providers are to be treated as common carriers, but permits the Commission to forbear from applying certain sections of Title II. Specifically, the Commission may forbear from applying any section of Title II, except Sections 201, 202, and 208. See 47 U.S.C. § 332(c)(1)(A). In the CMRS Second Report and Order, the Commission determined that it would be in the public interest to forbear from imposing most Title II requirements on CMRS providers, including tariffing requirements. See Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment



APPENDIX B

Appendix B

KING COUNTY E-911 PROGRAM OFFICE

SCOPE OF WORK FOR REGIONAL 311 STUDY

- I. Define the current perceived problems that 311 could potentially resolve.
 - A. 911 call volume is increasing and the population is increasing. There is concern that the future 911 call volume will exceed the 911 system network, equipment, and staffing resources, causing delays in the handling of the 911 calls.
 - B. Too many non-emergency calls are made by the public to 911.
 - C. The complexity of jurisdictional boundaries makes it difficult for the public to know which seven-digit numbers to call for various government services.
 - D. Many general government seven-digit lines are not answered between the hours of 5 p.m. and 8 a.m., and on weekends, so people call 911 when they need service.
 - E. Police Response Issue - perception that the number of 911 calls drives the number of police responses, and that during peaks of multiple emergency events, delays in response times are due to the number of 911 calls.
 - F. Implementing 311 enhances community policing.
- II. Define the current E-911 system.
 - A. Define the E-911 system in operational and service delivery terms - selective routing, ANI/ALI, PSAPs, staffing.
 - B. Provide current system statistics - numbers of 911, seven-digit, and non-emergency 911 calls, and population statistics.
 - C. Description of each PSAP's definition of service.
 - 1. Definition of an emergency call and its relationship to a dispatchable call for service.
 - 2. Definition of a non-emergency call.
 - 3. Definition of an inappropriate 911 call.
 - D. Description of each PSAP's profile.

Appendix B

- g. Solicit other suggestions for system design from study participants.
 - 3. Determine if 311 system should be implemented regionally or if it could be implemented by individual jurisdictions.
- IV. Identify which of the above alternatives the study participants are interested in pursuing.
 - A. Mail information packets to study participants.
 - B. Conduct two regional informational meetings for study participants.
 - C. Survey study participants to obtain their viewpoint on the alternatives.
- V. Further define the details of the top selected alternatives
 - A. Detail the system design.
 - B. Project system costs and staffing impacts.
 - C. Discuss implementation regionally or by individual jurisdictions. Outline different scenarios.
 - 1. City of Seattle.
 - 2. Unincorporated King County
 - 3. Large suburban city.
 - 4. Small suburban city.
- VI. Produce a final report to be presented to the Regional Policy Committee.

Appendix B

STEERING COMMITTEE REPRESENTATIVES

- 1 - Suburban cities, appointed by the Suburban Cities Association
- 1 - Seattle Police Department, appointed by the City of Seattle
- 1 - City Police Department, appointed by the King County Police Chiefs Association
- 1 - King County Department of Public Safety, appointed by King County
- 1 - Seattle Fire Department, appointed by the City of Seattle
- 1 - City Fire Department, appointed by the King County Fire Chiefs Association
- 1 - King County Fire District, appointed by the King County Fire Chiefs Association
- 1 - Medic One, appointed by King County Medic One and Evergreen Medic One
- 2 - PSAP Committee

Staff

Regional Policy Committee staff

Kevin Kearns, Emergency Management Division Manager

Marlys Davis, E-911 Program Manager

Colleen Boyns, E-911 Program Assistant

Harriett Burns, E-911 Administrative Specialist

Work Group

Subcommittee from PSAP Committee

STUDY PARTICIPANTS

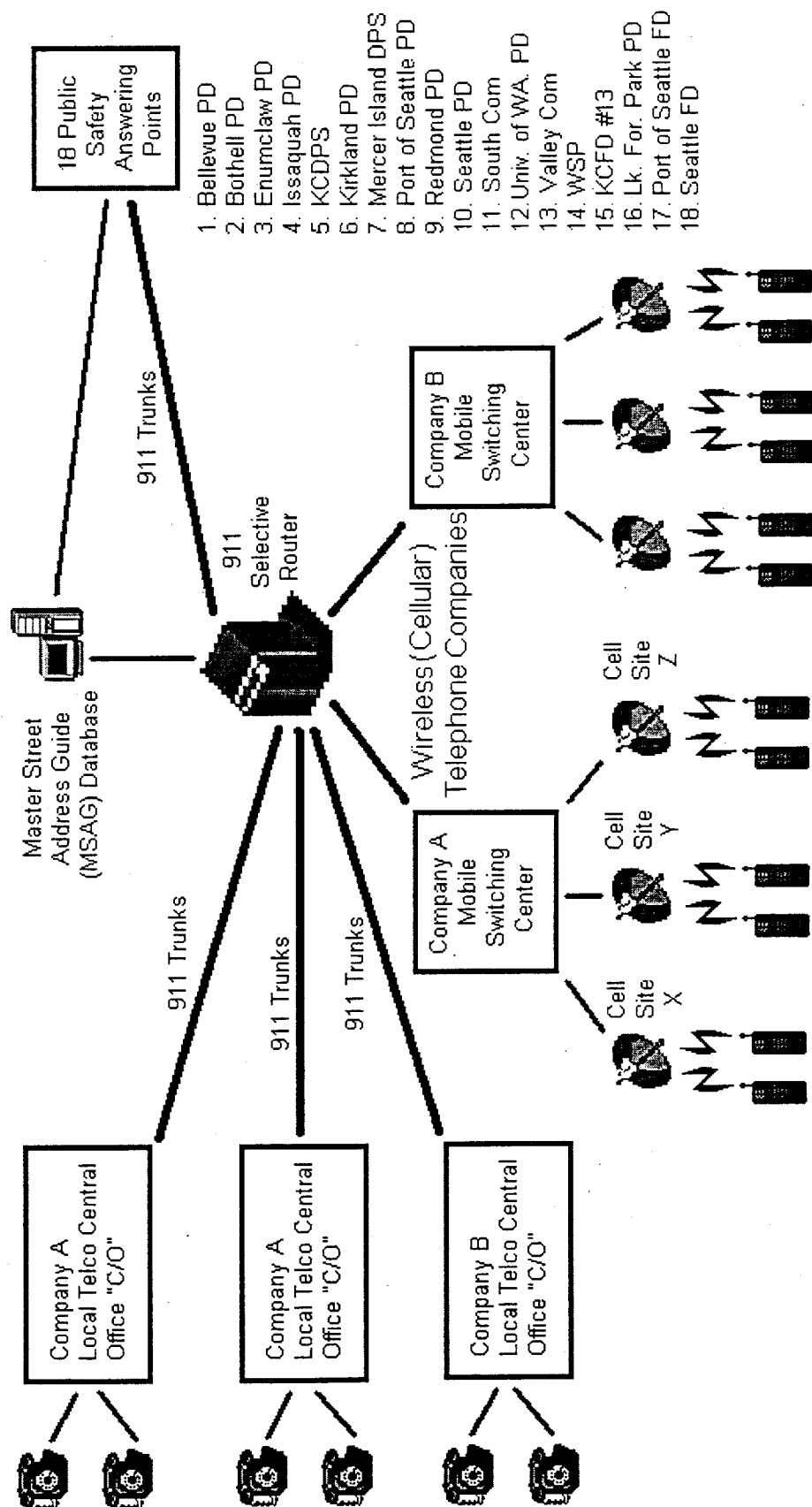
- 37 - Cities
- 33 - City Police Departments, and the Port of Seattle and University of Washington
Police Departments
- 1 - King County Department of Public Safety
- 15 - City Fire Departments and the Port of Seattle Fire Department
- 21 - King County Fire Districts
- 2 - King County Medic One and Evergreen Medic One
- 18 - Public Safety Answering Points



APPENDIX C

E911 Network

Wireline Telephone Companies



APPENDIX D

KING COUNTY E-911 SYSTEM PSAP PROFILE

PSAPS	# OF ACCESS LINES SERVED FOR POLICE	# OF ACCESS LINES SERVED FOR FIRE/EMS	% OF WIRELESS CALLS ANSWERED	# OF CALL ANSWERING POSITIONS	# OF 911 TRUNKS	AGENCIES SERVED
Bellevue PD	157,710	529,498	5.8%	12	8	Bellevue FD, Bellevue PD, Bothell FD, Clyde Hill PD, Duvall FD, Issaquah FD, KCFD #04, KCFD #10, KCFD #16, KCFD #27, KCFD #35, KCFD #36, KCFD #38, KCFD #50, KCFD #51, Kirkland FD, Medina PD, Redmond FD
Bothell PD	37,736	0	0.2%	2	4	Bothell PD
Enumclaw PD	6,014	9,664	0.0%	2	3	Enumclaw FD, Enumclaw PD
Issaquah PD	13,915	0	0.4%	2	3	Issaquah PD, Snoqualmie PD
King County DPS	313,140	0	13.7%	17	32	King County DPS (includes Burien, Covington, Maple Valley, SeaTac, Shoreline, and Woodinville), Black Diamond PD, Carnation PD, Duvall PD, Skykomish PD
KCFD #13	0	6,783	0.0%	2	3	KCFD #13
Kirkland PD	57,267	0	0.6%	6	4	Kirkland PD
Lake For. Pk. PD	6,597	0	0.1%	2	3	Lake Forest Park PD
Mercer Island DPS	18,945	18,945	0.1%	3	4	Mercer Island DPS
Port of Seattle FD	0	5,235	0.0%	2	3	Port of Seattle FD
Port of Seattle PD	9,935	0	0.0%	3	3	Port of Seattle PD
Redmond PD	105,569	0	0.6%	4	5	Redmond PD
Seattle FD	0	779,624	1.6%	7	7	Seattle FD
Seattle PD	743,863	0	16.1%	19	19	Seattle PD
South Com	3,548	111,474	0.6%	4	4	KCFD #11, KCFD #39, Normandy Park PD, SeaTac FD
Univ. of Wa. PD	29,729	0	0.1%	2	3	Univ. of Wa. PD
Valley Com	285,514	320,188	8.8%	15	18	Algona PD, Auburn FD, Auburn PD, Des Moines PD, Kent FD, Kent PD, KCFD #02, KCFD #17, KCFD #20, KCFD #26, KCFD #40, KCFD #43, KCFD #44, KCFD #46, KCFD #47, Pacific FD, Pacific PD, Renton FD, Renton FD, Tukwila FD, Tukwila PD
Wa. State Patrol	0	0	51.1%	8	8	Wa. State Patrol
TOTALS	1,789,482	1,781,411	100.0%	112	134	

Note: Lake Forest Park PD access lines are counted under this PSAP and the King County DPS PSAP, because these calls are initially answered by King County DPS and then transferred to Lake Forest Park PD.